

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 6-26-74 (by deft.)
12-5-74 (by pltf)

D. C. Form No. 106A Rev.

| TITLE OF CASE | | ATTORNEYS | | | | | |
|---|----------------------------|--|--|--------------|---------------------|-------|-------|
| <p>RONNIE GENE CHUMLEY, Plaintiff vs. VAN's CRANE SERVICE, a corporation, Defendant and Camp Construction Co.</p> | | <p>For plaintiff:</p> <p>Bill V. Wilkinson Benjamin P. Abney 1640 South Boston Tulsa, Oklahoma 74119 Phone: 587-3161</p> <p>For defendant:</p> <p>Joseph Glass Joseph A. Sharp Best, Sharp, Thomas, Glass & Warner 200 Franklin Bldg. Tulsa, Okla. 74103 Phone: 582-8877</p> | | | | | |
| STATISTICAL RECORD | COSTS | | | DATE | NAME OR RECEIPT NO. | REC. | DISB. |
| J.S. 5 mailed 7-1-74 | Clerk | | | 1974 6-26 | | 15 00 | |
| J.S. 6 mailed 11-1-75 | Marshal | | | 6-27-74 | C/D #52 | | 15 00 |
| Basis of Action: Damages due to negligence of deft. and defective equipment. | Docket fee Witness fees | | | | | | |
| Action arose at: | Depositions | | | | | | |

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|----------|--|------------------------------|
| 6-26-74 | 1. Petition for removal from the District Court of Creek County, filed. 1m | |
| 6-26-74 | 2. Bond on removal filed. Trinity Universal Insurance Company in the sum of \$500. 1m | |
| 6-26-74 | 3. Notice of filing of petition and Bond for Removal by Van's Crane Service, Deft., filed. 1m | |
| 6-26-74 | 4. <u>Demand for Jury Trial, filed.</u> 1m. | |
| 6-26-74 | 5. Answer of Deft., filed. 1m | |
| 7-1-74 | 6. Acknowledgment of the Clerk of the District Court in and for Creek County, Oklahoma, of receipt of copy of the Notice, Petition and Bond for Removal, filed. k | |
| 7-30-74 | MO: Parties are directed to hold PT conference on or before 9-10-74 & file PT order on or before 9-17-74. (AEB-J)k <i>Ad</i> copies mld.k | |
| 9-3-74 | Deposition of Ronnie Gene Chumley, on behalf of Deft., taken before Thos. G. Bloxom, on 8-12-74, with fees of \$106.50, paid by Deft., fld. v | |
| 9-3-74 | Deposition of Joe Tom Reed, on behalf of Pltf., taken before Thos. G. Bloxom, on 8-12-74, with fees of \$103.50, paid by Pltf., filed. v | |
| 9-10-74 | 7. Pltf's appl. to name additional party deft., filed. k | |
| 9-10-74 | 8. Order, filed, granting permission to file Amended Complaint & name additional party deft. (AEB-J)k | |
| 9-10-74 | 9. Amended complaint, filed. Summons issued. k | |
| 9-10-74 | 10. Appl. & Order, filed, striking case from pre trial docket. (AEB-J)k | |
| 9-16-74 | 11. Defts.' answer to pltf's amended complaint, filed. k Summons, ret. & filed: served Camp Construction Co., Grand Prairie, Tx. 9-12-74. (USM \$6.88)g | |
| 9-16-74 | 12. INTERROGATORIES, of pltf., filed. jj <i>to Van's Crane</i> | |
| 10-1-74 | 13. Plaintiff's interrogatories, filed. k <i>Camp Const.</i> | |
| 10-1-74 | 14. Deft. Camp Construction Co.'s Answer, filed. k | |
| 10-17-74 | MO: Parties are directed to hold a pretrial conference on or before 11-28-74 & to file a PT order on or before 12-5-74. (AEB-J)k copies sent by certified mail. | |
| 11-21-74 | 15. Deft. Van's Crane Service's answers to interrog., filed. k | |
| 12-5-74 | 16. Demand For Jury Trial (by pltf.) file. d rm | |
| 12-5-74 | 17. Application for five day extension of time to file Pre-Trial Order, (by pltf.) filed. rm | |

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|----------|--|------------------------------|
| 12-6-74 | 18. Order, filed, granting pltf. until 12-10-74 to file pretrial order. (AEB-J)g <i>7-2-22</i> | |
| 12-10-74 | 19. Interrogatories (by Camp Const. Co.) filed. js | |
| 12-10-74 | 20. Plaintiff's Proposed Pre-Trial Order, filed. js | |
| 12-10-74 | 21. Appl. of defs. for ext. of time to file PT Order, filed. rm <i>069</i> | |
| 12-11-74 | 22. Order, filed, that Defts. are granted until 12-26-74 to file Pre-Trial Order or proposed Pre-Trial Order. (AEB-J)v -copies mailed. | |
| 12-19-74 | 23. Motion of pltf. to compel discovery, filed. lm | |
| 12-19-74 | 24. Brief in Support of Motion to Compel Discovery, filed. lm | |
| 12-19-74 | MO: Ordered by the Court that deft. is given 10 days from this date to file a response to pltf's Motion to Compel Discovery (AEB-J)lm | |
| 12-27-74 | 25. Defts.' brief in opposition of mot. to compel discovery, filed.k | |
| 12-27-74 | 26. Defts.' Proposed pre-trial Order, filed.k | |
| 12-31-74 | 27. Pltf's second interrog. to A. Wayne Truitt, Van's Crane Service, filed.k | |
| 12-31-74 | MO: It is ordered that Pltf's mot. to compel discovery & defts.' brief in opposition thereto are hereby referred to Judge Bradford for hearing & recommendations. (AEB-J)k <i>to 11</i> | |
| 12-31-74 | 28. Pltf's second interrog. to Ernest F. Van Dam, Van's Crane Service, filed.k | |
| 12-31-74 | 29. Platf's second interrog. to Robt. B. Camp, Van's Crane Service, filed.k | |
| 1-1-75 | Case called for hearing on Pltf's motion to require discovery. Parties represented. Motion sustained as to answer to Interrog. No. 17; and denied as to Interrog. No. 18. Pltf. counsel to prepare formal order and Findings & Recommendations within 5 days. (MLB-Mag.) b | |
| 1-17-75 | 30. Deft. Van's Crane Service's Motion to join third party defendant, Toledo Engineering Co. & William H. Thomas, filed.k | |
| 1-17-75 | 31. Brief in support of Van's Crane Service's mot. to join third party defts., filed.k | |
| 1-17-75 | MO: It is ordered by the Court that Plaintiff and deft. Camp Construction Co. <i>13</i> are granted ten (10) days from this date to respond to deft. Van's Crane Service's Motion to join third party defts. (AEB-J)k <i>yes mld.</i> | |

(cont.)

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|---------|---|---------------------------------|
| 1-22-75 | Order, filed, transferring case to Judge H.Dale Cook;(AEB-J)b | |
| 1-23-75 | 32. Findings and Recommendations of Magistrate, filed. b 108 | |
| 1-27-75 | 33. Pltf.'s Appl. for 10 days extension of time to respond to mot. to join 3rd party deft., filed. v (o) | |
| 1-28-75 | 34. Order, filed, granting pltf. to 2/6/75 to respond to def. mo/ join 3rd party defts. (HDC-J)rm - copies mailed | |
| 1-30-75 | 35. Plaintiff's answers to interrogatories, filed. ds | |
| 2-4-75 | 36. Order, filed, that pltf's motion/compel discovery is overruled in part/granted in part. (HDC-J)hm (copies mailed) | |
| 2-7-75 | 37. Pltf's objection to motion to join third party defts., filed. hm | |
| 2-7-75 | 38. Brief in oppos. to motion to join addit. party defts., filed. hm | |
| 3-6-75 | MO: Case set for hearing on motion of deft. Van's Crane Serv. to join third party defts. 3-27-75 at 10:00 a.m. (HDC-J)hm | |
| 3-6-75 | DEPOSITION of Sam W. Pennington on behalf of Pltf., taken on 2-14-75 before Thomas G. Bloxom, CSR, with fees of \$84.00. v | |
| 3-27-75 | MO: Case called for hearing on motion of deft. Van's Crane Service to join third party defts. Statements made. Court takes ruling under advisement and will enter an order. (HDC-J)hm | |
| 3-27-75 | 39. Order, filed, that motion to join third party defts. is overruled and pltf's objection to motion is sustained. (HDC-J)hm (copies mailed) | |
| 4-9-75 | MO: Case set for PT hearing 5-1-75 at 10:30 a.m. and for jury trial on 6-16-75 at 10:00 a.m. (HDC-J)hm | |
| 4-17-75 | MO: Case stricken from jury trial assignment of 6-16-75, to be reset as first case on next jury docket. (HDC-J)hm | |
| 5-1-75 | MO: Pre-trial hearing held. Statements made. Parties to file briefs within 30 days; 30 days thereafter to respond. Pltf. to prepare and file final pre-trial order within 30 days, and case to be set for jury trial after Aug. docket. m. Requested instructions to be filed 10 days prior to trial. Any addit. witnesses not listed in PT order must be listed in applic. to amend PT order prior to trial. (HDC-J)hm | |
| 5-9-75 | 40. Notice by def. of taking deposition of Bill Thomas on 5/30/75 in Muskogee, filed. rm | |
| 5-27-75 | 41. Notice to Take Deposition upon Oral Examination of Bill Thomas on 6-6-75 at 9:30AM in Muskogee, filed. mm | |
| 5-30-75 | 42. Memorandum in Support of Plaintiff's Introduction of Evidence of Subsequent Remedial Measures Taken by Defendant, filed. mm | |
| 6-3-75 | 43. Application & Order granting Defendant 7 days from May 30 to file a brief, filed. (HDC-J) cps mld. | |

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| 6-6-75 | 44. Trial brief with respect to the loaned servant doctrine, filed. (defts.)hm | |
| 6-11-75 | 45. Not. of deft. Van's Crane Service for order requiring pltf. to submit to physical examination by doctor of deft's choice, filed. g | |
| 6-11-75 | MO: Pltf. granted 10 days to file responsive brief to mot. for physical examination. (HDC-J)g | |
| 6-24-75 | 46. Plaintiff's Objection to Def. Motion for medical exam by physician designated by def., filed. sw | |
| 6-24-75 | 47. Brief in support of Plaintiff's objection to def. medical exam, filed. sw | |
| 6-30-75 | Deposition of William H. Thomas taken on 6-6-75 before Richard Courtemanche, CSR, with fees of \$132.00 paid by defendant, filed. mm | |
| 7-1-75 | 48. Pretrial Order, filed. (HDV-J)g | |
| 7-3-75 | 49. Order, filed, granting pltf. to 7/9/75 to submit affidavit re objs. to medical exam.; def. 5 days thereafter to respond. (HDC-J)rm copies mailed | |
| 7-9-75 | 50. Plfs' Request for Extension of Time to File Reply Brief, filed. mm <i>o to 2</i> | |
| 7-9-75 | 51. Plfs' Application for Hearing on Question of Medical Examination, filed. mm | |
| 7-9-75 | 52. Plfs' Affidavit in Support of Objection to Medical Examination, filed. mm | |
| 7-9-75 | 53. Order, filed, granting pltf. until 8-9-75 to file reply brief to deft's brief. (HDC-J)g <i>mailed</i> | |
| 7-11-75 | 54. Motion to Compel Discovery of Plf. Ronnie Gene Chumley, filed. mm | |
| 7-11-75 | 55. Brief in Support of Plf's Motion to Compel Discovery of Ronnie Gene Chumley, filed. mm | |
| 7-11-75 | 56. Appl. of def., Van's Crane, for ext. of 15 days to respond to pltf. memo in support of his introduction of evidence subsequent to remedial measures, filed. rm <i>as part of reply</i> | |
| 7-11-75 | Order, filed, granting deft. Van's Crane Service until 7-29-75 to respond to pltf's memo. brief. (HDC-J)g <i>mailed</i> | |
| 7-17-75 | 57. Affidavit in support of deft's mo/medical examination by a doctor of deft's choice, filed. hm | |
| 7-28-75 | Mo: It is ordered by the Court that the defendant file a responsive brief within 10 days to the Motion to Compel Discovery of Pltf. Ronnie Gene Chumley, filed July 11, 1975. cps mld mm | |

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| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|----------|---|------------------------------|
| 8-6-75 | 58. Appl. of deft. for additional time to file responsive brief, filed. g | |
| 8-6-75 | Order (part of appl.), filed, grantin deft. 15 days in which to file responsive briefs to pltf's mot. to compel discovery. (HDC-J)g cpies mailed | |
| 8-8-75 | 59. Plaintiff's Brief in Opposition to the Defenses of the Loaned Servant Doctrine, filed. mm Van's Crane Service | |
| 8-13-75 | 60. Answers of deft./to Interrogatories, filed.jj | |
| 8-14-75 | 61. Answers of deft. Van's Crane Service to Interrogatories, filed.kjj | |
| 8-19-75 | 62. Memorandum Rebutting Plaintiff's Application to Introduce Evidence of Defendant's Subsequent Remedial Action, filed. mm | |
| 8-21-75 | MO: Case set for jury trial 10-28-75 at 10:00 a.m. (HDC-J)hm | |
| 8-22-75 | 63. Order, filed, directing plaintiff to be examined by Dr. Richardson, filed. (HDC-J)g <i>gms</i> | |
| 8-22-75 | 64. Pltf's 3rd interros. to Van's Crane Service, filed. g | |
| 8-22-75 | 65. Pltf's 3rd interros. to Robert B. Camp, filed. g | |
| 9-15-75 | 66. Defs. Objection to pltf. 3rd set of interrogatories, filed.rm | |
| 9-17-75 | 67. Defendants Answers to Interrogatories, filed. mm | |
| 9-18-75 | 68. Order, filed, that defts. file ans. on behalf of Ernest F. Van Dam to int. filed 12-31-75 by 10-3-75 and defts. are Ordered to ans. pltf's 3rd set of int. to Robert B. Camp by 10-3-75 (HDC-J)jj <i>copies sent</i> | |
| 10-3-75 | 69. Appl. of defs. for ext. of time to ans. interrog., filed. rm | |
| 10-3-75 | 70. Order, filed, granting defs. to 10/10/75 to ans. 3rd interrog., filed. (HDC-J)rm-copies md. | |
| 10-10-75 | Answers to 71. Plaintiff's Third Interrogatories to Robert B. Camp, filed. mm | |
| 10-24-75 | 72. Defts' requested voir dire questions and requested instructions, filed. hm | |
| 10-28-75 | 73. Answers of deft. Van's Crane Serv. to interrogatories, filed w/ leave granted. (HDC-J)hm | |
| 10-31-75 | MO: Case tried to a jury Oct. 28,29,30 & 31, 1975. Rule invoked. Opening statements made. Pltf. presents case in chief w/test. of witnesses. Deft's oral motion to add Liberty Mutual Ins. Co. as party pltf. overruled as being untimely made. Pltf's exhibits admitted. Pltf. rests. Deft's motion for dismissal denied. Pltf's motion to dismiss against deft. Camp Construction Co. sustained. Deft. presents case in chief w/test. of witnesses and rests. Pltf. presents rebuttal evidence w/test. of witnesses & rests. Parties rest. Closing arguments made. Court instructs the jury. Bailiff sworn. Jury retires to deliberate at 4:07 p.m. on 10-31-75. Jury returns w/verdict at 5:20 p.m. <u>finding for the defendant.</u> Verdict ordered received, read & filed in open court. Jury discharged. Court recessed at 5:23 p.m. (HDC-J)hm | |
| 10-31-75 | 74. Verdict, finding for the deft., filed, in open court. hm | |
| 10-31-75 | 75. Instructions to the jury, filed in open court. (HDC-J)hm | |

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|----------|--|------------------------------|
| 10-31-75 | Trial exhibits, filed. hm | |
| 10-31-75 | Partial transcript of jury trial, filed. hm | |
| 10-31-75 | 76. Judgment on jury verdict, filed and entered, finding for the defendant, and costs to be paid by pltf. (JCS-Clk)hm (copies mailed) | |
| 11-6-75 | 77. Bill of costs in amt. of \$330.54, filed by def. rm Cost hearing set for 11/12/75 at 10:00 a.m. before Clerk. | |
| 11-10 | 78. Mtn. of pltf. for Judgment Notwithstanding Jury Verdict Herein, filed.jj | |
| 11-10 | 79. Mtn. of pltf for New Trial, filed.jj | |
| 11-10 | 80. Pltf's Brief in Support of Mtn. for New Trial and Mtn. for Judgment Notwithstanding Jury Verdict, filed.jj | |
| 11-10 | MO: It is Ordered by the Court that defts. are granted 10 days from this date to file responsive brief.(HDC-J)jj copies mailed. | |
| 11-14 | 81 Defendant's Brief in Opposition to Plaintiff's Motion and/or Motion for Judgment notwithstanding Jury Verdict, filed. tc | |
| 11-24 | MO: Case set for hearing on pltf's motion for new trial and pltf's motion for judgment notwithstanding jury verdict herein on 1-7-76 at 2:00 p.m. (HDC-J)hm | |
| 1-7-76 | MO: Hearing held on pltf's motion for new trial and motion for judgment notwithstanding jury verdict herein. Statements made. Motions are each denied. Deft. counsel to prepare order. (HDC-J)hm | |
| 1-21-76 | 82. Order, filed, ^{and entered} overruling mo/new trial and mo/judgment notwithstanding jury verdict. (HDC-J)hm (copies mailed) | |
| 1-21 | MO: Costs are hereby taxed in the amt. of \$330.54. (JCS-Clk)hm (copies of bill of costs mailed parties) | |
| 1-25 | 83. Release and satisfaction of judgment, filed. ph | |

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|------|-------------|---------------------------------|
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